

1 BILL NO. G-84-06-19

2 GENERAL ORDINANCE NO. G-

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a utility easement thereof.

6 WHEREAS, a petition to vacate a public utility easement within
7 the City of Fort Wayne (as more specifically described below) was duly
8 filed with the City Planning Commission; and,

9 WHEREAS, said Commission duly held a public hearing thereon; and

10 WHEREAS, said Commission has duly forwarded its recommendation
11 to this body approving said petition, all in accordance with I.C.
12 36-7-4-512(2) and this body having held a public hearing on said vacation
13 as provided in I.C. 36-7-3-12; and

14 WHEREAS, this body concurs in the recommendation of the City
15 Planning Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
17 OF FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate a public
19 easement within the City of Fort Wayne, more specifically described as
20 follows, to-wit:

21 That portion of vacated Chute Street lying between
22 Lots 225 and 226 in Eliza Hanna Seniors Addition
23 and which vacating amends the Thoroughfare Plan of the City Comprehensive
24 ("Master") Plan and is hereby approved in all respects.

25 SECTION 2. That this Ordinance shall be in full force and effect
26 from and after its passage, any and all necessary approval by the Mayor.

27 Samuel L. Talarico
28 COUNCILMEMBER

29 APPROVED AS TO FORM AND LEGALITY:

30 Bruce O. Boxberger
31 BRUCE O. BOXBERGER, CITY ATTORNEY
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Bill No. G-84-

Page two

**Public hearing to be held on _____, the _____
day of _____, 1982, in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Talman, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 6-26-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Lee, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. D-19-84

on the 14th day of August, 19 84,

ATTEST:

Sandra E. Kennedy

(SEAL)

Ray A. Ebert

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 19 84, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 19 84, at the hour of 3:00 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

VACATION ORDINANCE

PETITION TO VACATE: Dedicated Utility Easement.

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following dedicated utility easement within the City of Fort Wayne, Indiana, and hereby described as follows:

In support thereof, your petitioner would represent as follows:

1. Asking to vacate the easement to construct a warehouse over the existing easement.
2. That they are the only owners of the real estate bordering both sides of the easement.
3. That the easement is not necessary as ingress or egress to other properties whatsoever. Street has been vacated by Allen Circuit Cause #25593, Circuit Order Book 103, page 374.
4. That said easement is unimproved.
5. That no other person, firm, or corporation is interested in or affected by the requested vacation.
6. That the maintenance of said easements is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioner file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above described easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 21st day of May, 1984.

Ben Clark - Flashfold Cartons
Adjacent Property Owner's Signature

1140 Hayden St., Ft. Wayne, IN
Adjacent Property Owner's Address

Ben Clark - Flashfold Cartons
Adjacent Property Owner's Signature

1140 Hayden St. Ft. Wayne, IN
Adjacent Property Owner's Address

Ben Clark - Flashfold Cartons
Petitioner's Signature

1140 Hayden St., Ft. Wayne, IN
Petitioner's Address

Thomas R. Mc
Agent's Name & Address
40 GRAHAM - LANTZ, INC.

616 E. WAYNE ST.
FT. WAYNE, IN 46802

Notice

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, June 18, 1984 at 7:00 P.M., in Room #126, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of a utility easement.

(That portion of vacated Chute Street lying between
Lots 225 and 226 in Eliza Hanna Seniors Addition.)

All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretart

7-5-64
H.I.

That portion of vacated Chute Street lying between Lots 225 & 226 in Eliza Hanna Seniors Addition

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

DATED THIS 5th DAY OF July 1984

David J. Kiester
David J. Kiester, Chairman

H. James Haley
H. James Haley, Member

RESOLUTION

WHEREAS, KEN CLARK, FLASHFOLD CARTONS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing on the vacation of the following public easement in Fort Wayne, Allen County, to-wit:

That portion of vacated Chute Street lying between Lots 225 & 226 in Eliza Hanna Seniors Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 18, 1984 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public easement.

WHEREAS, said vacation of the easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said easement in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing on said Commission held June 25, 1984, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 13th DAY OF July 19 84

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith, Secretary

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10697

FT. WAYNE, IND., 5-23 1984RECEIVED FROM FLASHFOLD CARTON INC. \$ 100⁰⁰THE SUM OF One Hundred & 00/100 ¹⁰⁰ DOLLARS

ON ACCOUNT OF _____

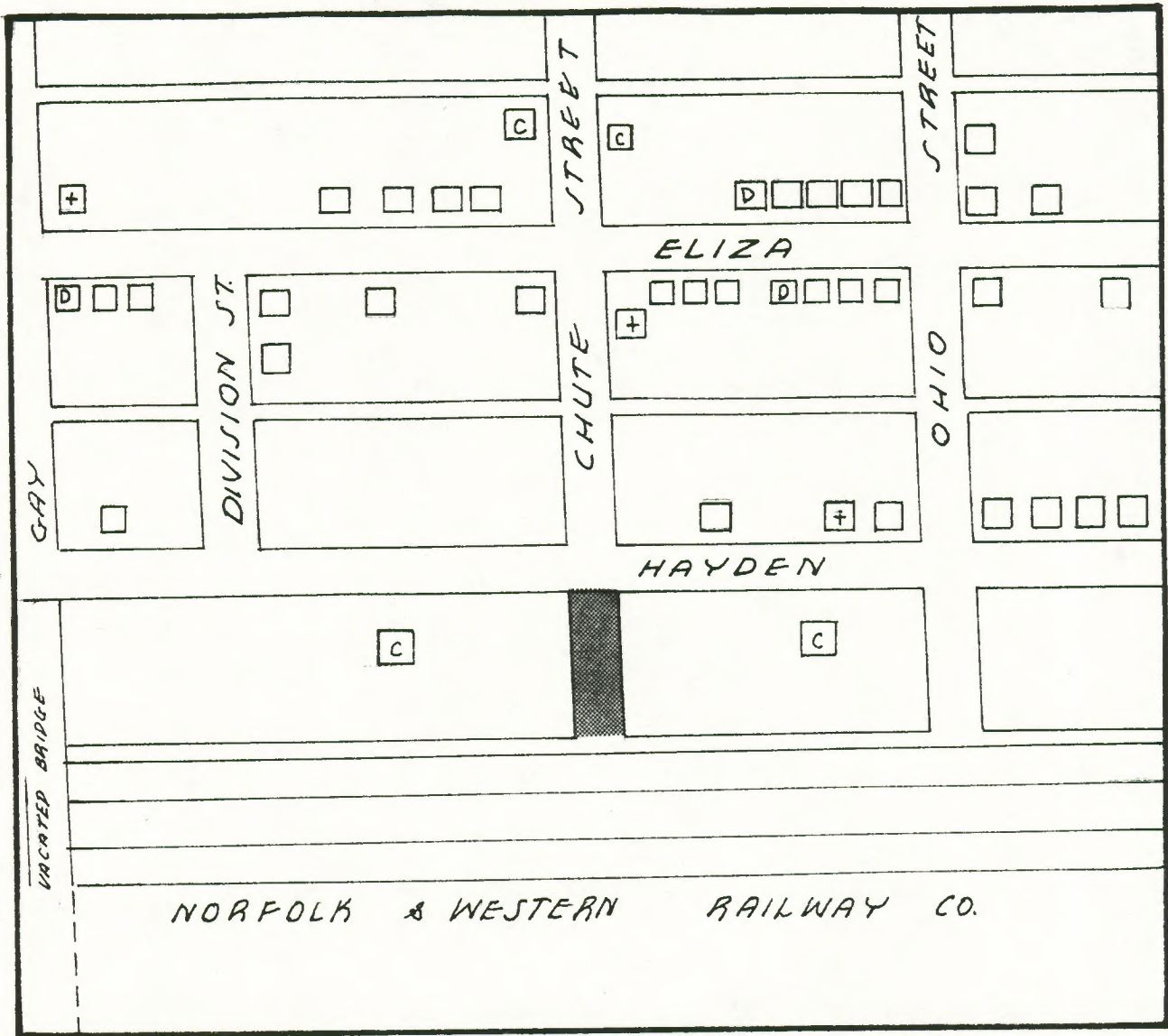
EASEMENT VACATIONDordamann

AUTHORIZED SIGNATURE

VACATION PETITION

A PETITION TO VACATE THE FOLLOWING DEDICATED
UTILITY EASEMENT

MAP NO. 0-2



COUNCILMANIC DISTRICT NO. 3

LAND USE:

- ☐ SINGLE FAMILY
- ☐ DUPLEX
- ☐ COMMERCIAL
- ☐ CHURCH



NORTH
SCALE = 1" = 200'

G-84-06-19

BILL NO. G-84-06-19

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City
Comprehensive ("Master") Plan by vacating a utility easement thereof

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE No PASS.

JANET G. BRADBURY, CHAIRWOMAN

Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN

Samuel J. Talarico

CHARLES B. REDD

Charles B. Redd

MARK E. GIAQUINTA

Mark E. Giaquinta

JAMES S. STIER

James S. Stier

FACT SHEET

G-84-06-19

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Vacation Ordinance

None

DETAILS

Specific Location and/or Address

South side of Hayden between Division &
Ohio Streets.

Reason for Project

New building to be constructed over
easement.

Discussion (Including relationship to other Council actions)

Tom Ade, representing Flashfold Cartons
stated that they intend to construct
a warehouse for Flashfold Cartons.
He stated that Flashfold Cartons is in
need of extra storage space. The
warehouse would be 20,000 sq. ft.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s) Ken Clark,
Flashfold Cartons

City Department

Other

Opponents

Groups or Individuals
No opposition.

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS**POLICY / PROGRAM IMPACT**

Policy or
Program
Change

☒

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date May 23, 1984

Projected Completion or Occupancy

Date June 25, 1984

Fact Sheet Prepared by

Date July 13, 1984

Pat Biancaniello

Reviewed by

Date

Reference or Case Number

ORIGINAL

DIGEST SHEET

Admn. Appr. _____

ORIGINAL

TITLE OF ORDINANCE Utility Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A 173' x 55' utility easement lying between Lots 225 & 226
in Eliza Hanna Seniors Addition.

B-84-06-19

SIZE: 175' x 55'

Adjacent Property Owner: Ken Clark - 1140 Hayden Street

Councilmanic District: 3

EFFECT OF PASSAGE Property is now a public utility easement. Property will be
closed and revert to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a public utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-84-06-19)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 14, 1984, at 7:30 P.M. (EST) in Room 128, Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Proposed vacation of a utility easement
That portion of vacated Chute Street
lying between Lots 225 and 226
Eliza Hanna Seniors Addition

All interested persons are invited to attend.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

July 19, 1984

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of July 23, 1984, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-84-06-19
Vacation of a utility easement

Please send us 5 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

July 20, 1984


NOTICE OF PUBLIC HEARING ON UTILITY EASEMENT VACATION

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, August 14, 1984, at 7:30 P.M., (EST), in the Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Proposed vacation of a utility easement
That portion of vacated Chute Street
lying between Lots 225 and 226
Eliza Hanna Seniors Addition

All interested persons are invited to appear and be heard.
Any written material may be submitted to the Common Council prior to the hearing.

Sincerely,


Sandra E. Kennedy
City Clerk



The City of Fort Wayne

July 20, 1984


NOTICE OF PUBLIC HEARING ON UTILITY EASEMENT VACATION

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, August 14, 1984, at 7:30 P.M., (EST), in the Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Proposed vacation of a utility easement
That portion of vacated Chute Street
lying between Lots 225 and 226
Eliza Hanna Seniors Addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely,


Sandra E. Kennedy
City Clerk

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That portion of vacated Chute Street lying between
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All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretart

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana 46802

8 June 1984

NOTICE OF PUBLIC HEARING ON UTILITY EASEMENT VACATION

You are hereby notified that the City Plan Commission will conduct a public hearing on Monday, June 18, 1984, at 7:00 P.M. (EST) in the Council Chambers, 1st Floor, Room #126, City-County Building, One Main Street, Fort Wayne, Indiana, on the vacation of the following described utility easement.

A 173' x 55' utility easement lying between Lots 225 & 226 in Eliza Hanna Seniors Addition.

(SEE REVERSE SIDE FOR MAP OF AREA)

All interested persons are invited to appear and be heard. Any written material may be submitted to the Plan Commission Office prior to the hearing.

Memorandum

To _____ Date _____

From _____

Subject _____

COPIES TO:

P.R.T. Corp. / 1140 Hayden St. 03

Kelsoe / 1211 Hayden St.

Esters / 1215 Hayden St.

Church of God / 1231 Hayden

Carly / 1234 Cliza St. 02

East Central

Jim Henderson

741 E. Wayne 02

Tom Ade / 616 East Wayne Street / City 02 - Petitioner

No. 297803

RECEIPT FOR CERTIFIED MAIL

SENT TO Tom Ade		POSTMARK OR DATE
STREET AND NO. 616 East Wayne Street		
P.O., STATE AND ZIP CODE Fort Wayne, IN 46802		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered	CONSULT POSTMASTER FOR FEES
	With restricted delivery	
2. Shows to whom, date and where delivered	With restricted delivery	
	With restricted delivery	
RESTRICTED DELIVERY		
SPECIAL DELIVERY (extra fee required)		

PS Form
Jan. 1976 3800

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See other side)

☆ GPO: 1975—O-591-452

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines 3
Head number of lines 11
Body number of lines 3
Tail number of lines 17
Total number of lines in notice

COMPUTATION OF CHARGES

17 lines, 1 columns wide equals 17 equivalent lines at .300¢ \$ 5.10
cents per line
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra 1.50
TOTAL AMOUNT OF CLAIM \$ 6.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Rose
CLERK

Date July 23, 19 84

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 7/23/84

Subscribed and sworn to me before this 23 rd day of July 19 84
Shelly R. Salter
Notary Public
My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-84-06-19)
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All interested persons are invited to attend.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

NEW-SENTINEL

Dr.

P.O. BOX 100

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

11

3

17

COMPUTATION OF CHARGES

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Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra 1.50

TOTAL AMOUNT OF CLAIM \$ 6.60

DATA FOR COMPUTING COST

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Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 23, 19 84

Title CLERK

Drusilla Roose

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

7/23/84

Subscribed and sworn to me before this 23rd day of July 19 84

Shelley R. LaRue

Notary Public

My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-84-06-19)
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All interested persons are invited to attend.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered..... 15¢

☐ Show to whom, date, & address of delivery.. 35¢

☐ RESTRICTED DELIVERY.

Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 85¢

Tom Ade

2. ARTICLE ADDRESSED TO:

616 East Wayne Street

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

297803

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Gayle Burns

4. DATE OF DELIVERY

7-23-84

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

The City of Fort Wayne

One Main Street, Fort Wayne, Indiana 46802

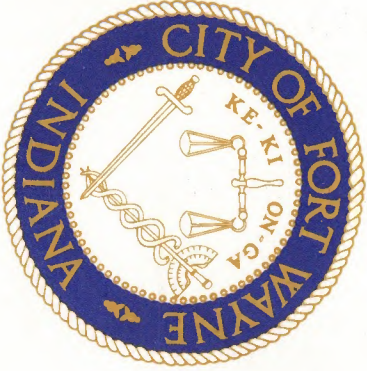


City Clerk—Room 120

Kelsoe
1211 Hayden Street
Fort Wayne, IN 46803



The City of Fort Wayne
One Main Street, Fort Wayne, Indiana 46802



City Clerk—Room 120

Esters
1215 Hayden Street
Fort Wayne, IN 46803

*Forwarding Order
Approved At 324 7a
7-21*

